

Watson	Weller	Wilson (SC)
Watt	Westmoreland	Wolf
Waxman	Wexler	Woolsey
Weiner	Whitfield	Wu
Weldon (FL)	Wicker	Wynn
Weldon (PA)	Wilson (NM)	Young (FL)

## NAYS—30

Baker	Frelinghuysen	McCrery
Brady (TX)	Garrett (NJ)	McHenry
Buyer	Gingrey	McKeon
Campbell (CA)	Hensarling	Neugebauer
Cannon	Hunter	Pence
Cantor	King (IA)	Rogers (MI)
Feeney	Knollenberg	Sessions
Ferguson	Linder	Shadegg
Flake	Mack	Thomas
Franks (AZ)	Marchant	Thornberry

## NOT VOTING—28

Beauprez	Istook	Rangel
Bilirakis	Johnson, Sam	Royce
Blunt	McKinney	Sánchez, Linda
Boehner	Miller (FL)	T.
	Miller, Gary	Sherwood
English (PA)	Nadler	Slaughter
Evans	Nunes	Strickland
Gallegly	Nussle	Towns
Green (WI)	Oxley	Young (AK)
Harris	Putnam	

□ 1513

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated agains:

Mr. PUTNAM. Mr. Speaker, on rollcall No. 434 I was unavoidably detained. Had I been present, I would have voted “nay.”

# MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 5122, G.V. “SONNY” MONTGOMERY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mrs. DRAKE. Mr. Speaker, pursuant to clause 12 of rule XXII, I move that meetings of the conference between the House and Senate on H.R. 5122 may be closed to the public at such times as classified national security information may be broached, provided that any sitting Member of Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, the motion is not debatable, and the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 10, not voting 25, as follows:

[Roll No. 435]

## YEAS—397

Abercrombie	Bartlett (MD)	Blunt
Ackerman	Barton (TX)	Boehmert
Aderholt	Bass	Boehner
Akin	Bean	Bonilla
Alexander	Becerra	Bonner
Allen	Berkley	Bono
Andrews	Berman	Boozman
Baca	Berry	Boren
Bachus	Biggart	Boswell
Baird	Bilbray	Boucher
Baker	Bishop (GA)	Boustany
Baldwin	Bishop (NY)	Boyd
Barrett (SC)	Bishop (UT)	Bradley (NH)
Barrow	Blackburn	Brady (PA)

Brady (TX)	Goode	McHenry	Shays	Tauscher	Wasserman
Brown (OH)	Goodlatte	McHugh	Sherman	Taylor (MS)	Schultz
Brown (SC)	Gordon	McIntyre	Sherwood	Taylor (NC)	Waters
Brown, Corrine	Granger	McKeon	Shimkus	Terry	Watson
Brown-Waite,	Graves	McMorris	Shuster	Thomas	Watt
Ginny	Green, Al	Rodgers	Simmons	Thompson (CA)	Waxman
Burgess	Grijalva	McNulty	Simpson	Thompson (MS)	Weiner
Burton (IN)	Gutierrez	Meehan	Skelton	Thornberry	Weldon (FL)
Butterfield	Gutknecht	Meek (FL)	Smith (NJ)	Tiahrt	Weldon (PA)
Buyer	Hall	Meeks (NY)	Smith (TX)	Tiberi	Weller
Calvert	Harman	Melancon	Smith (WA)	Tierney	Westmoreland
Camp (MI)	Hart	Mica	Snyder	Turner	Wexler
Campbell (CA)	Hastings (FL)	Michaud	Sodrel	Udall (CO)	Whitfield
Cannon	Hastings (WA)	Millender-	Solis	Udall (NM)	Wicker
Cantor	Hayes	McDonald	Souder	Upton	Wilson (NM)
Cantor	Hayworth	Miller (MI)	Spratt	Van Hollen	Wilson (SC)
Capito	Hefley	Miller (NC)	Stearns	Velázquez	Wolf
Capps	Hensarling	Mollohan	Stupak	Visclosky	Woolsey
Cardin	Herger	Moore (KS)	Sullivan	Walden (OR)	Wu
Cardoza	Herseeth	Moore (WI)	Sweeney	Walsh	Wynn
Carnahan	Higgins	Moran (KS)	Tancredo	Wamp	Young (FL)
Carson	Hinchey	Moran (VA)	Tanner		
Carter	Hinojosa	Murphy			
Case	Hobson	Murtha			
Castle	Hoekstra	Musgrave			
Chabot	Holden	Myrick			
Chandler	Holt	Napolitano			
Chocola	Hooley	Neal (MA)			
Clay	Hostettler	Neugebauer			
Cleaver	Hoyer	Ney			
Clyburn	Hulshof	Northup			
Coble	Hunter	Norwood			
Cole (OK)	Hyde	Oberstar			
Conaway	Inglis (SC)	Obey			
Conyers	Inslee	Olver			
Cooper	Israel	Ortiz			
Costa	Issa	Osborne			
Costello	Jackson (IL)	Otter			
Cramer	Jackson-Lee	Owens			
Crenshaw	(TX)	Pallone			
Crowley	Jefferson	Pascrell			
Cubin	Jenkins	Pastor			
Cuellar	Jindal	Paul			
Culberson	Johnson (CT)	Pearce			
Cummings	Johnson (IL)	Pelosi			
Davis (AL)	Johnson, E. B.	Pence			
Davis (CA)	Jones (NC)	Peterson (MN)			
Davis (FL)	Jones (OH)	Peterson (PA)			
Davis (IL)	Kanjorski	Petri			
Davis (KY)	Kaptur	Pickering			
Davis (TN)	Keller	Pitts			
Davis, Jo Ann	Kelly	Platts			
Davis, Tom	Kennedy (MN)	Poe			
Deal (GA)	Kennedy (RI)	Pombo			
DeGette	Kildee	Pomeroy			
Delahunt	Kilpatrick (MI)	Porter			
DeLauro	Kind	Price (GA)			
Dent	King (IA)	Price (NC)			
Diaz-Balart, L.	King (NY)	Pryce (OH)			
Diaz-Balart, M.	Kingston	Putnam			
Dicks	Kirk	Radanovich			
Dingell	Kline	Rahall			
Doggett	Knollenberg	Ramstad			
Doolittle	Kolbe	Regula			
Drake	Kuhl (NY)	Rehberg			
Dreier	LaHood	Reichert			
Duncan	Langevin	Renzi			
Edwards	Lantos	Reyes			
Ehlers	Larsen (WA)	Reynolds			
Emanuel	Larson (CT)	Rogers (AL)			
Emerson	Latham	Rogers (KY)			
Engel	LaTourette	Rogers (MI)			
Eshoo	Leach	Rohrabacher			
Etheridge	Levin	Ros-Lehtinen			
Everett	Lewis (CA)	Ross			
Farr	Lewis (KY)	Rothman			
Fattah	Linder	Roybal-Allard			
Feeney	Lipinski	Royce			
Ferguson	LoBiondo	Ruppersberger			
Filner	Loftgren, Zoe	Rush			
Fitzpatrick (PA)	Lowey	Ryan (OH)			
Flake	Lucas	Ryan (WI)			
Foley	Lungren, Daniel	Ryun (KS)			
Forbes	E.	Sabo			
Ford	Lynch	Salazar			
Fortenberry	Mack	Sanchez, Loretta			
Fossella	Maloney	Sanders			
Fox	Manzullo	Saxton			
Frank (MA)	Marchant	Schiff			
Franks (AZ)	Markey	Schmidt			
Frelinghuysen	Marshall	Schwartz (PA)			
Garrett (NJ)	Matheson	Schwarz (MI)			
Gerlach	Matsui	Scott (GA)			
Gibbons	McCarthy	Scott (VA)			
Gibbs	McCauley (TX)	Sensenbrenner			
Gichrest	McCollum (MN)	Serrano			
Gillmor	McCotter	Sessions			
Gingrey	Gohmert	Shadegg			
Gohmert	McCrery	Shaw			
Gonzalez	McGovern				

## NAYS—10

Blumenauer	Lee	Schakowsky
DeFazio	Lewis (GA)	Stark
Honda	McDermott	
Kucinich	Miller, George	

## NOT VOTING—25

Beauprez	Istook	Payne
Bilirakis	Johnson, Sam	Rangel
Doyle	McKinney	Sánchez, Linda
English (PA)	Miller (FL)	T.
Evans	Miller, Gary	Slaughter
Gallegly	Nadler	Strickland
Green (WI)	Nunes	Towns
Green, Gene	Nussle	Young (AK)
Harris	Oxley	

□ 1522

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Thursday, September 7, 2006. As a result, I was not recorded for rollcall votes Nos. 430, 431, 432, 433, 434 and 435. Had I been present, I would have voted “aye” on rollcall Nos. 430, 433, 434, and 435. I would have voted “no” on rollcall Nos. 431 and 432.

## PERSONAL EXPLANATION

Mr. BILIRAKIS. Mr. Speaker, I was absent from votes on September 6 and 7, 2006, due to personal illness. As a result, I was not recorded for a series of votes. Had I been present, I would have voted “yea” on rollcall votes 427, 428, 429, 430, 433, 434, and 435.

On rollcall votes 431 and 432, I would have voted “no.”

## PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. speaker, I was unable to be present for rollcall votes 434 and 435. Had I been present, I would have voted “yea” on rollcall vote 434 and “yea” on rollcall vote 435.

## LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring of the majority leader the schedule for the week to come, and I yield to my friend, Mr. BOEHNER, the majority leader.

Mr. BOEHNER. I want to thank my colleague from Maryland for yielding.

Mr. Speaker, next week the House will convene on Tuesday at 12:30 for morning hour and 2 p.m. for legislative business.

We will consider a number of measures under the suspension of the rules next Tuesday. We expect to have a final list of those measures to Members' offices by tomorrow afternoon.

For the balance of the week, the House will consider on Wednesday the 5-year anniversary of 9/11, and we will have a resolution on the floor, and we will also begin consideration of H.R. 2965, the Federal Prison Industries Competition in Contracting Act.

On Thursday and Friday, we will complete consideration of the Federal Prison Industries bill, and we will consider a House resolution amending the House rules on earmark reform. I would also note that conference reports may be brought up at any time, and hope to see H.R. 5122, the Sonny Montgomery National Defense Authorization Act for fiscal year 2007 conference report and I hope to see it passed next week. At this point, Members should anticipate that we will have votes on Friday.

I also have an announcement in terms of the schedule. Members have a schedule through September. It is expected that the House will not be back in session until the week of November 13. I do want Members to know that the House will be in session that week. I expect we will have votes on Monday the 13th and through that week. Anything further on the schedule beyond that time, I wish I could tell Members, but I don't know.

Mr. HOYER. I thank the gentleman for bringing us up to date.

Am I to take it that when the gentleman indicated that the 29th would be the last day prior to the election, Members can still rely on that representation?

Mr. BOEHNER. That is correct.

Mr. HOYER. I thank the gentleman for that comment because there has been some discussion there may be another week, and we are glad to advise Members.

Mr. BOEHNER. Somebody else was having those discussions with themselves, not with me.

Mr. HOYER. That happens, I have noticed.

With respect to the schedule that you have just announced, would it be fair to conclude that if we do not have additional conference reports, and you indicate that you will take conference reports if they are available, which I understand, but if there were not additional conference reports beyond those which you have referenced in your announcement, that the probability of Friday is not as great as it otherwise would be? What I am saying, before you respond, is essentially it would appear to me that based upon what has been noticed, that that work would probably be accomplished within the Tuesday, Wednesday, Thursday period.

Mr. BOEHNER. If the gentleman will yield, it is possible that the House could complete its work by Thursday night. It is possible. But I don't want to mislead Members. At this point, I believe that Members should expect votes on Friday. If it becomes clear during the week that we will be able to complete our work, I will give Members as much notice as possible. But I don't want to promise something that we can't deliver.

Mr. HOYER. I understand.

On the following Friday, the 22nd, as the gentleman knows, Rosh Hashanah begins at sundown on that day. That is the first day of Rosh Hashanah. One of the problems, as you know, that we have is Members getting back to the West Coast in time to observe Rosh Hashanah appropriately. Friday the 22nd is currently on the schedule. Can you comment on that?

Mr. BOEHNER. I will work with you to accommodate our Members who want to observe this religious holiday. I do understand the problem for Members on the West Coast. We will work with you to come to some resolution. We don't want to put any Members in a difficult travel position when it comes to observance of their religious holidays.

Mr. HOYER. I thank the gentleman for that, and we look forward to discussing that with you.

You note in the announcement of the 9/11 resolution, and I was asked by the press, were we going to do something on issues that appear to be partisan, and I said no. On September 11th, we will not be here; we will be in our home districts, and it should be a day of remembrance and resolve; remembrance of the heroism of that day and remembrance of the loss of life on that day, and resolve to defeat terrorism and to defeat those who would put our country at risk and put our people in harm's way and at risk. I believe we are united on that.

I just saw the resolution, and I have not had a chance to read the resolution, nor as I understand it have we worked with your side on the resolution.

Mr. Leader, I would hope perhaps we could come together before the resolution is finally introduced. We passed last year's resolution with over 400 votes, very few "no" votes. I ask if we could work on this together to ensure that we have that kind of unanimity which I think is appropriate and would help to bring us together.

Mr. BOEHNER. I have not had a chance to read the resolution either, and you have not read the resolution. All I do know is that both Democrats and Republicans have worked closely together to develop the resolution. Again, I will be happy to take a look at it. And I would suggest to the gentleman, if you have any suggestions or concerns, let me know.

□ 1530

Mr. HOYER. I thank the leader for that. And I did not know whether our

Democrats had worked with people on your side of the aisle. If that is the case, then when I read the resolution, I am sure I will be pleased. But if there are questions, I will bring them to the attention of the leader.

Mr. Leader, of course we have next week's schedule. Next week's schedule does not include the only appropriation bill that we have not yet passed. As you know, we have passed 10 out of the 11 appropriations bills. The Labor-Health bill was passed through the House Appropriations Committee and ready to report in June. So it has now been pending for approximately 60, 75 days.

Do you have any expectation that the Labor-Health bill will be brought to the floor within the foreseeable future?

I yield to my friend.

Mr. BOEHNER. The issue is under discussion. As the gentleman knows, there are a number of issues in that bill that have caused concern amongst Members. And while one of those appears to have been resolved, there are a number of other issues remaining there. There have been several discussions this week and I think there will be several more discussions next week about how to deal with that particular bill.

Mr. HOYER. I thank the gentleman for that observation. He refers to one or two of the issues in the bill. Obviously, one of the issues is the so-called Hoyer amendment, the Miller bill, which raises the minimum wage. We would hope that that would be brought to the floor. As you well know, we considered it with another bill. A number of items included in it. It went to the Senate. It didn't pass. We believe that the 6.6 million people on the minimum wage are hopeful that we will act before we leave here for the election.

I am very hopeful and I know our side is very hopeful that we could bring that bill to the floor with that amendment protected, voted up or down. If the Members think that we ought not to do it, fine. If the Members think we ought to do it, fine. And pass that bill to the Senate so we can complete the appropriations process.

Mr. BOEHNER. I think the gentleman is well aware that in July before the House went on its August district work period, the House voted to raise the minimum wage, and this bill is pending in the Senate and I am hopeful that the Senate will see fit to deal with it.

Mr. HOYER. Reclaiming my time, Mr. Leader, of course I appreciate your reiterating what we did and we all understand what we did. There are different perspectives on what we did. But I would reiterate this side's strong desire and hope that we would consider the issue of minimum wage on its own merits, as was done in the committee. As you know, it was passed in a bipartisan fashion in committee with one-fourth, I think, or maybe one-fifth of the Republicans in the committee voting for it.

Mr. BOEHNER. Will the gentleman yield?

Mr. HOYER. I would be glad to yield to my friend.

Mr. BOEHNER. We have rules in the House about legislating on an appropriations bill, and it is clear that the intent of the author was to legislate on an appropriations bill. I think the majority did the right thing by moving the authorizing language for the minimum wage through the Rules Committee and brought it to the House floor.

So, again, the House has dealt with this. I am hopeful that the Senate will deal with it soon.

Mr. HOYER. I thank the gentleman for his comment. I understand what the rules are, and both sides have relatively regularly waived those rules when it wanted to do something. And if we want to raise the minimum wage for our workers, we can do it. That is our perspective. But I certainly appreciate the gentleman's further education on what the rules require.

Let me ask you this. It is not on the schedule for next week. Do you anticipate any additional legislation prior to the 29th of September which would further implement the recommendations of the 9/11 Commission? As you know, there are some 19 recommendations which Governor Kean and Congressman Hamilton have observed we have not acted on. Can you tell us whether there is any anticipation of scheduling action on those issues?

I yield to my friend.

Mr. BOEHNER. Over a year ago, the House worked to implement the recommendations of the bipartisan 9/11 Commission. And I believe that Members on both sides of the Capitol, on both sides of the aisle, decided to accept those recommendations that we thought would be helpful. Not all of the recommendations of the 9/11 Commission have, in fact, been adopted because, as I understand it, Members on both sides of the aisle and on both sides of the Capitol have rejected some of the ideas that they put forth.

As we all know, some of these independent commissions get established. They can make recommendations, but the real decisions about what we should enact into law should be left to the Members, and I think the Members have made their decisions very clear.

Mr. HOYER. I thank the gentleman for his observations, while I think we disagree on the substance of the reports and the merits of the recommendations that have not yet been passed. I know on our side, Mr. THOMPSON, who is our ranking member on the Homeland Security Committee, and others are very hopeful that we can move forward on those. But I understand what the gentleman has said.

I will not ask the gentleman further questions. But, Mr. Speaker, under my reservation I would say that we on this side of the aisle are very hopeful that we can consider legislation before we break on the 29th of September which

would give the Secretary of Health and Human Services the authority to negotiate lower prescription drug prices for our seniors. We would hope that we would see legislation which would restore the deep cuts in college tuition assistance that were included in the deficit reduction bill that we passed some months ago and that we would reconsider the tax cuts that we gave, deep tax cuts, that we gave to oil companies apparently to spur further investment in exploration for new sources of oil. A worthy objective. But I think, happily or unhappily, depending upon your perspective, whether you are an oil company or whether you are a driver of automobiles and have to pay the gasoline prices, the companies are making great profits and could have great incentive because of those great profits to develop further sources of energy.

I would conclude by saying that we would hope the majority would seriously consider bringing to the floor all of those issues prior to the 29th.

Mr. BOEHNER. Will the gentleman yield?

Mr. HOYER. I yield to my friend, the majority leader.

Mr. BOEHNER. Just so the gentleman understands, and I appreciate his yielding, I am happy to come here and have this colloquy with you about what is going to be on the floor and give you as much information as I can.

Now, I see that my friend from Maryland today has decided to employ a new tactic in bringing campaign themes to the floor during the colloquy. Now, I would be happy to engage in those, but it is not what the colloquy is for. And so I would be happy to engage the gentleman.

The Medicare drug bill has produced premiums for seniors far below, far below, any number that anyone ever expected. And what got us those low drug premium prices was the competition that was created in the creation of the program.

Secondly, when it comes to the college loan program that the gentleman referred to that there were cuts, if the gentleman would look at the bill, he will realize that we widened the ability of more students to get to college under this program than we have ever had. The fact is there are higher numbers for grant programs, higher numbers for what you can borrow from the program, and it could not be working any better. And as a result, the Deficit Reduction Act that we passed last year did, in fact, save \$12.5 billion that came out of the hides of the lenders who were involved in the program.

So, again, I would be happy to engage you in this conversation, but we could probably do it under a Special Order rather than during the colloquy.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman for his observations, and perhaps I will take him up on that offer. That might be instructive for both of us and perhaps for the American people as well. I under-

stand the gentleman's perspective. We differ. That is not surprising, I am sure, to the viewers.

But I will say this, Mr. Leader, if I can, that this is about discussing the schedule. We have a very short time frame. We have 14 days left that are scheduled in this session before the election, and we are coming back for a lame duck session. I understand that. But I was simply inquiring of you whether or not those matters which we believe are important might be on the schedule. I am not debating their merits or demerits at this point in time. I can do that and, as a matter of fact, look forward to discussing that in a Special Order with you. But we do believe it was in the realm of a discussion about what might be scheduled.

And I yield to my friend.

Mr. BOEHNER. I thank my colleague. And while we may differ on whether the glass is half full or half empty, I do have great respect for my colleague from Maryland.

Mr. HOYER. I thank the gentleman.

---

HOUR OF MEETING ON TOMORROW AND ADJOURNMENT FROM FRIDAY, SEPTEMBER 8, 2006, TO TUESDAY, SEPTEMBER 12, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, September 12, 2006, for morning hour debate.

The SPEAKER pro tempore (Mr. CAMPBELL of California). Is there objection to the request of the gentleman from Ohio?

There was no objection.

---

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

---

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 2965, FEDERAL PRISON INDUSTRIES COMPETITION IN CONTRACTING ACT

Mr. GINGREY. Mr. Speaker, the Committee on Rules may meet the week of September 11 to grant a rule which could limit the amendment process for floor consideration of H.R. 2965, the Federal Prison Industries Competition in Contracting Act.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the